

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: December 21, 2005

Division: County Administrator

Bulk Item: Yes X No     

Department: Florida Keys Marathon Airport

Staff Contact Person: James R. "Reggie" Paros

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**AGENDA ITEM WORDING:** Approval to solicit and advertise Requests for Bids and/or Proposals (RFB/RFP) for permanent repairs of hurricane damages for various projects at Florida Keys Marathon Airport, including the terminal facility, appurtenances, accessory structures, shade hangars and T-hangars.

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**ITEM BACKGROUND:** The Florida Keys Marathon Airport was severely damaged by hurricanes this past season, with the worst damage resulting from Hurricane Wilma. Temporary emergency actions and repairs already have been initiated.

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**PREVIOUS RELEVANT BOCC ACTION:** n/a

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**CONTRACT/AGREEMENT CHANGES:** n/a

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** n/a

**BUDGETED:** Yes      No     

**COST TO COUNTY:**                     

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty n/a OMB/Purchasing n/a Risk Management n/a

**DIVISION DIRECTOR APPROVAL:**

  
James R. "Reggie" Paros

12/9/2005

**DOCUMENTATION:** Included     

Not Required X

**DISPOSITION:**                                     

**AGENDA ITEM #**



**BOARD OF COUNTY COMMISSIONERS**

Mayor Charles "Sonny" McCoy, District 3  
Mayor Pro Tem Murray E. Nelson, District 5  
George Neugent, District 2  
Dixie M. Spehar, District 1  
David P. Rice, District 4

**Division of:**

**HOUSING & COMMUNITY DEVELOPMENT**

**FLORIDA KEYS MARATHON AIRPORT**

***James R. "Reggie" Paros, Director/Manager***

**9400 Overseas Highway, Suite 200**

**Marathon, FL 33050**



**MEMORANDUM**

**TO:** Debbie Frederick, Deputy County Administrator  
County Administrators Office

**FROM:** James R. "Reggie" Paros, Director  
Housing & Community Development  
Marathon Airport Manager

**REFERENCE:** Request for Add-on Agenda Item for 12/21/05 BOCC meeting

**DATE:** December 9, 2005

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The enclosed Agenda Item Summary has been prepared pursuant to the memorandum dated December 8, 2005 from Assistant County Attorney Suzanne A. Hutton regarding repair of damaged T-hangars at Florida Keys Marathon Airport, a copy of which is also enclosed herewith.

In addition to the subject T-hangars, there were moderate to severe hurricane damages to the airport terminal facility, appurtenances, accessory structures and shade hangars. Some or all of these projects are estimated to cost over \$25,000.01.

Enclosures: (2)

**BOARD OF COUNTY COMMISSIONERS**

Mayor Charles "Sonny" McCoy, District 3  
Mayor Pro Tem Murray Nelson, District 5  
George Neugent, District 2  
David P. Rice, District 4  
Dixie M. Spehar, District 1

John R. Collins, County Attorney  
Suzanne A. Hutton, Assistant County Attorney \*  
Robert B. Shillinger, Assistant County Attorney \*  
Pedro J. Mercado, Assistant County Attorney  
Susan M. Grimsley, Assistant County Attorney  
Natileene W. Cassel, Assistant County Attorney  
Jerry D. Sanders, Assistant County Attorney

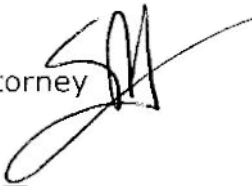
**Office of the County Attorney**

PO Box 1026  
Key West, FL 33041-1026  
(305) 292-3470 – Phone  
(305) 292-3516 – Fax

\* Board Certified in City, County & Local Govt. Law

**M E M O R A N D U M**

TO: James R. "Reggie" Paros, Division Director  
Marathon Airport Manager

FROM: Suzanne A. Hutton  
Assistant County Attorney 

DATE: December 8, 2005

SUBJECT: Repair of damaged T-Hangers at Florida Keys Marathon Airport

Your letter dated December 2, 2005 and addressed to Mr. Collins was referred to me for response. In your letter you advise that T-Hangers at Florida Keys Marathon Airport were initially damaged by a tornado from Hurricane Katrina and additional damage occurred from Hurricanes Rita and Wilma. You have inquired as to the applicability of the County's Purchasing Policy requirements for a competitive bid process for purchases estimated to cost over \$25,000.01, the emergency declarations (and which one would actually apply) and whether there is any possibility of paying a deposit as would be required by both of the proposals received in response to requests for quotes.

First, the County Commission has enacted an ordinance, codified at Monroe County Code §2-541(k), setting forth the reasons that the County Commissioners may dispense with the bidding provisions of the section and contract directly for services and goods. An emergency is defined as an immediate danger to public health or safety, a danger of loss of public or private property that requires immediate government action, interruption in the delivery of an essential governmental service, or a substantial risk that a funding source of a contract will be diminished or lost because of the time required to competitively award bids. Nothing in your letter indicates that the conditions for waiver of the bidding requirement currently

Reggie Paros  
T-Hangars  
Dec. 8, 2005  
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apply. Perhaps at the time that you instituted the inquiries regarding repairs there was an immediate danger of loss of public or private property, but since we are no longer in hurricane season, the immediacy and the potential risk to property has diminished considerably. Accordingly, I would advise you to execute a Request for Proposal.

With respect to the issue of a deposit, the County does not pay deposits. Whether the language which Mr. Kolhage relies upon as a prohibition against payment of a deposit is constitutional or statutory escapes me at the moment, but the issue is such an old one, that I can tell you, categorically, the answer is no. However, there are often provisions that can be made in a contract which enable a significant payment early in the contract process so that the contractor has funding available to go forward with the project and also has the assurance that the County will not prematurely terminate the contract at the contractor's risk. For example, the contract could provide for the contractor to obtain the first quarter of the total amount upon evidence of obtaining appropriate permits.

Please let me know if you have any other questions concerning this matter.

cc: Richard Collins  
Debbie Frederick  
Peter Horton  
Carols Victores